UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAURA ANN HOPE,

        Plaintiff,

                                      Civil Case No. 14-11114
v.   Honorable Linda V. Parker

COMMISSIONER OF SOCIAL
SECURITY,

        Defendant.
_____/

**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
DECEMBER 8, 2014 REPORT AND RECOMMENDATION; (2) DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT; AND (3)
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

On March 14, 2014, Plaintiff filed this lawsuit challenging Defendant's final

decision denying her application for Disability Insurance Benefits under the Social

Security Act. On March 17, 2014, the matter was referred to Magistrate Judge

David R. Grand for all pretrial proceedings, including a hearing and determination

of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report

and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C.

§ 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for

summary judgment. (ECF Nos. 10, 12.)

On December 8, 2014, Magistrate Judge Grand issued his R&R in which he

recommends that this Court deny Plaintiff's motion, grant Defendant's motion, and

affirm Defendant's decision finding Plaintiff not disabled under the Social Security
Act. (ECF No. 13.) In the R&R, Magistrate Judge Grand first rejects Plaintiff's
argument that the ALJ failed to take into account all of her credible impairments.
(Id. at 8-13.) Magistrate Judge Grand finds that the medical reports and other
evidence in the record did not support the Plaintiff's hearing testimony and thus the
ALJ did not err in rejecting some of her claimed limitations. (*Id.*) Magistrate
Judge Grand therefore also rejects Plaintiff's challenge to the adequacy of the
ALJ's hypothetical question to the vocational expert to the extend she argues that it
did not account for all of her claimed limitations. (*Id*. at 13-14.)

Magistrate Judge Grand next addresses Plaintiff's arguments regarding the
ALJ's Step Four determination that she is capable of performing her past relevant
work as a secretary and administrative assistant. Magistrate Judge Grand rejects
Plaintiff's contention that the ALJ impermissibly delegated the task of determining
whether she could perform her past relevant work to the vocational expert,
concluding that the ALJ has the discretion to use the vocational expert's assistance
in making the determination. (*Id*. at 14-15, citing cases.) He then rejects
Plaintiff's argument that there was no evidence from which the ALJ could assess
the physical and mental demands of Plaintiff's prior work and her ability to meet
those demands, noting the specific evidence in the record enabled the ALJ to make
his assessment. (*Id*. at 15-16.)

Finding substantial evidence in the record to support the ALJ's decision, Magistrate Judge Grand concludes by recommending that the Court affirm Defendant's decision. (*Id*. at 16.) At the end of his R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id*. at 17.) He further specifically advises the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id*.) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Grand. The Court therefore adopts the magistrate judge's December 8, 2014 Report and Recommendation and is affirming Defendant's decision denying Plaintiff social security benefits.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for summary judgment (ECF No. 10) is **DENIED**;

IT IS FURTHER ORDERED, that Defendant's motion for summary judgment (ECF No. 12) is **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: January 29, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 29, 2015, by electronic and/or U.S. First Class mail.

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s/ Richard Loury
Case Manager

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